

REMARKS

This paper is in response to the Office Action mailed July 7, 2004. Claims 1-19 are pending and have been rejected. The applicant notes with appreciation that claims 1-19 would be allowable by timely filing a terminal disclaimer, pursuant to 37 CFR § 1.321(c), and a Statement under 37 C.F.R. § 1.73, both of which are being filed concurrently herewith. However, the applicant respectfully traverses the Examiner's obviousness-type double patenting rejections.

The Examiner has rejected claims 1-9 under the judicially created doctrine of obviousness-type double patenting over claims 1-9 of US Patent No. 6,736,688, which is commonly owned with the present application. The Examiner alleges that claims 1-9 of the present application claim a watercraft apparatus that includes a propulsion structure that is coupled to a body with a pivoting structure, instead of a manually propelled personal flotation apparatus with a propulsion structure that is pivotally coupled to a body with a pivoting structure. The applicant respectfully disagrees. While the Examiner's interpretation of claims 1-9 of the present application are accurate, his interpretation of claims 1-9 of the '688 patent are incorrect. Rather, claims 1-9 of the '688 patent claim, in part, that the propulsion structure is coupled to a side of the body with a pivoting structure. Nonetheless, since the present application is commonly owned with the '688 patent, the applicant has filed herewith the requisite terminal disclaimer. Accordingly, the applicant respectfully asserts that the Examiner's rejection has herein been overcome.

The Examiner has also rejected claims 10-18 under the judicially created doctrine of obviousness-type double patent over claims 1-9 of the '688 patent. The Examiner alleges that claims 10-18 of the present application claim a propulsion structure coupled to a watercraft and claims 1-9 of the '688 patent a propulsion structure that is pivotally coupled to a body of a

manually propelled personal flotation apparatus, would have been obvious to one skilled in the art. The applicant respectfully asserts that the Examiner is misinterpreting the claims. Claims 10-18 of the present application claim a propulsion structure for a water craft, while claims 1-9 of the '688 patent claim a manually propelled personal floatation device comprising a propulsion structure. Nonetheless, since the present application is commonly owned with the '688 patent, the applicant has filed herewith the requisite terminal disclaimer. Accordingly, the applicant respectfully asserts that the Examiner's rejection has herein been overcome.

The Examiner has also rejected claim 19 under the judicially created doctrine of obviousness-type double patent over claim 10 of the '688 patent. Since the present application is commonly owned with the '688 patent, the applicant has filed herewith the requisite terminal disclaimer. Accordingly, the applicant respectfully asserts that the Examiner's rejection has herein been overcome.

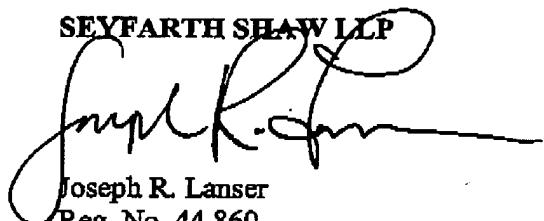
The applicant has also herein amended claims 1, 10, 15 and 16.

CONCLUSION

In view of the foregoing, the applicant respectfully asserts that the claims of the present application are now in a condition for allowance. Therefore, allowance of the application is respectfully requested.

Respectfully Submitted,

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PATENT  
Attorney Docket No. 36907/400190

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Garwood )  
Serial Number: 10/708,627 ) Art Unit: 3617  
Filing Date: March 16, 2004 ) Examiner: Olson, Lars Al.  
For: MANUALLY PROPELLED ) Conf. No.: 2626  
PERSONAL FLOATATION DEVICE )  
I hereby certify that this correspondence is being  
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RoseAnn White 8-5-04  
RoseAnn White Date

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Dear Sir:

Enclosed please find the following documents regarding the above-captioned application:

1. Amendment and Remarks to Office Action;
2. Statement Under 37 C.F.R. §3.73(b); and
3. Terminal Disclaimer.

Respectfully Submitted,



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<b>PATENT</b> Attorney Docket No. 36907/400190 <b>IN THE UNITED STATES PATENT AND TRADEMARK OFFICE</b>		
In re application of: Garwood Serial Number: 10/708,627 Filing Date: March 16, 2004 For: MANUALLY PROPELLED PERSONAL FLOATATION DEVICE		
Art Unit: 3617 Examiner: Olson, Lee AL Conf. No. 2626		
I hereby certify that this correspondence is being transmitted electronically on the United States Patent and Trademark Office, Technology Center 2600, facsimile number 703-472-6220 on August 5, 2004. <i>Roseann White</i> <i>P-504</i> Roseann White Date		
<b>TRANSMITTAL LETTER</b>		
Dear Sir: Enclosed please find the following documents regarding the above-captioned application: 1. Amendment and Remarks to Office Action; 2. Statement Under 37 C.F.R. §3.73(b); and 3. Terminal Disclaimer.		
Respectfully Submitted, <i>Joseph R. Lerner</i> SEYFARTH SHAW LLP Joseph R. Lerner Reg. No. 44,860 Attorney for Assignee		
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